

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/725,929	MATSUMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MONICA M. PYO	2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on 10/19/2010.
2. ☒ The allowed claim(s) is/are 1,6, 9-20 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>10/19/2010</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|--|--|

/Kavita Padmanabhan/  
 Primary Examiner, Art Unit 2161

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### **DETAILED ACTION**

1. Claims 1, 6, 9-20 and 22 are pending in this Office Action.
2. The information disclosure statement (IDS) submitted on 10/19/2010 was filed and considered by the examiner.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jacques Etkowicz on 12/20/2010.

4. The application has been amended as follows in view of expediting allowance:

#### **IN THE CLAIMS:**

- A. Cancel claims 23 and 24.
- B. In claim 6, line 2, "claim 23" is changed to --claim 1--.
- C. Rewrite claims 1 and 9-14 as follows:

**Claim 1.** (Currently Amended) A recording and reproducing system, comprising:

a record medium for holding a plurality of data files;

a recording apparatus including a parameter extractor for extracting parameter information associated with each of the plurality of data files and recording the parameter

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information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files; and

a reproducing apparatus including a data reproducer for reproducing one of the plurality of data files by using the corresponding reproduction parameter in the parameter information file,

wherein each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file,

the parameter extractor extracts meta-data information associated with the data file and records the meta-data information by using the respective unique data file ID in the record medium as a meta-data information file, and

~~wherein a data storage format of padding data is inserted into~~ the parameter information file ~~is such~~such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data.

**Claim 9.** (Currently Amended) A recording apparatus, comprising:

a parameter extractor for extracting parameter information associated with each of a plurality of data files held in a record medium and recording the parameter information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files, and

wherein one of the plurality of data files is reproduced by using the corresponding reproduction parameter in the parameter information file, ~~and~~

each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file,

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the parameter extractor extracts meta-data information associated with the data file and records the meta-data information by using the respective unique data file ID in the record medium as a meta-data information file, and

~~a data storage format of padding is inserted into~~ the parameter information file is ~~such~~such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data.

**Claim 10.** (Currently Amended) A reproducing apparatus, comprising:

a data reproducer for reproducing one of a plurality of data files held in a record medium by using a corresponding reproduction parameter in a parameter information file,

wherein parameter information associated with each of the plurality of data files is extracted and recorded in the record medium as the parameter information file, the parameter information file including the reproduction parameter for each of the plurality of data files, ~~and~~

each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file,

meta-data information associated with the data file is extracted and recorded by using the respective unique data file ID in the record medium as a meta-data information file, and

~~a data storage format of padding is inserted into~~ the parameter information file is ~~such~~such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data.

**Claim 11.** (Currently Amended) A record medium for holding a plurality of data files,

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wherein parameter information associated with each of the plurality of data files is extracted and recorded in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files,

one of the plurality of data files is reproduced by using the corresponding reproduction parameter in the parameter information file, and

each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file,

meta-data information associated with the data file is extracted and recorded by using the respective unique data file ID in the record medium as a meta-data information file, and

~~a data storage format of padding data is inserted into the parameter information file is~~  
such such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data.

**Claim 12.** (Currently Amended) A recording and reproducing method, comprising:

an extracting step of extracting parameter information associated with each of a plurality of data files held in a record medium;

a recording step of recording the parameter information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files; and

a reproducing step of reproducing one of the plurality of data files by using the corresponding reproduction parameter in the parameter information file,

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wherein each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file,

meta-data information associated with the data file is extracted and recorded by using the respective unique data file ID in the record medium as a meta-data information file, and

~~wherein a data storage format of padding data is inserted into~~ the parameter information file ~~is such~~<sup>such</sup> that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data.

**Claim 13.** (Currently Amended) A recording method, comprising:

an extracting step of extracting parameter information associated with each of a plurality of data files held in a record medium; and

a recording step of recording the parameter information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files,

wherein one of the plurality of data files is reproduced by using the corresponding reproduction parameter in the parameter information file, ~~and~~

each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file,

meta-data information associated with the data file is extracted and recorded by using the respective unique data file ID in the record medium as a meta-data information file, and

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~~a data storage format of padding data is inserted into~~ the parameter information file is ~~such~~such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data.

**Claim 14.** (Currently Amended) A reproducing method, comprising:

a reproducing step of reproducing one of a plurality of data files held in a record medium by using a corresponding reproduction parameter in a parameter information file,

wherein parameter information associated with each of the plurality of data files is extracted and recorded in the record medium as the parameter information file, the parameter information file including the reproduction parameter for each of the plurality of data files, ~~and~~

each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file,

meta-data information associated with the data file is extracted and recorded by using the respective unique data file ID in the record medium as a meta-data information file, and

~~a data storage format of padding data is inserted into~~ the parameter information file is ~~such~~such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data.

#### **Allowable Subject Matter**

5. Claims 1, 6, 9-20 and 22, now renumbered as 1-15, are allowed.
6. In view of the statement disclosed in page 36, lines 7-10 of the specification, a record medium of claim 1 would constitute only a non-transitory medium (i.e. an ROM) since a record

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medium and a transmission medium which are independently defined in the specification would make up two different categories.

7. During the telephone interview with applicant's representative, Mr. Jacques Etkowicz, that took place on 12/20/2010, Mr. Etkowicz asserted that information extracting means (32 in Fig.1) corresponding to the claimed parameter extractor (i.e. claim 9) would constitute a physical element (in view of page 33, lines 13-19 of the specification). He also stated that file reproducing means (23 in Fig.1) corresponding to the claimed data reproducer (i.e. claim 10) would constitute a physical element due to the similar reason stated above. In view of applicant's assertion and the disclosure in the specification, the examiner interprets a recording apparatus of claim 9 and a reproducing apparatus of claim 10 containing a physical element and therefore these claims are statutory.

8. The following is an examiner's statement of reasons for allowance:

The prior art fails to disclose or make obvious a recording and reproducing system, a recording and reproducing method, or a record medium comprising, in addition to the other recited features of the claims, a record medium for holding a plurality of data files; a recording apparatus including a parameter extractor for extracting parameter information associated with each of the plurality of data files and recording the parameter information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files; and a reproducing apparatus including a data reproducer for reproducing one of the plurality of data files by using the corresponding reproduction parameter in the parameter information file, wherein each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter



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information that is associated with each of the plurality of the data files is stored in the parameter information file, the parameter extractor extracts meta-data information associated with the data file and records the meta-data information by using the respective unique data file ID in the record medium as a meta-data information file, and wherein padding data is inserted into the parameter information file such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data in the manner recited in claim 1 or claim 11 or claim 12.

The prior art fails to disclose or make obvious a recording apparatus or a reproducing apparatus comprising, in addition to the other recited features of the claims, a parameter extractor for extracting parameter information associated with each of a plurality of data files held in a record medium and recording the parameter information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files, and wherein one of the plurality of data files is reproduced by using the corresponding reproduction parameter in the parameter information file, each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file, the parameter extractor extracts meta-data information associated with the data file and records the meta-data information by using the respective unique data file ID in the record medium as a meta-data information file, and padding is inserted into the parameter information file such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter

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information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data in the manner recited in claim 9 or claim 10.

The prior art fails to disclose or make obvious a record method or a reproducing method comprising, in addition to the other recited features of the claims, an extracting step of extracting parameter information associated with each of a plurality of data files held in a record medium; and a recording step of recording the parameter information in the record medium as a parameter information file, the parameter information file including a reproduction parameter for each of the plurality of data files, wherein one of the plurality of data files is reproduced by using the corresponding reproduction parameter in the parameter information file, each of the plurality of data files is given a unique data file ID corresponding to a sequential order in which the parameter information that is associated with each of the plurality of the data files is stored in the parameter information file, meta-data information associated with the data file is extracted and recorded by using the respective unique data file ID in the record medium as a meta-data information file, and padding data is inserted into the parameter information file such that all parameter information in the parameter information file associated with one type of data is stored next to all parameter information in the parameter information file associated with another type of data exclusive of the one type of data by using a classification according to a type of data in the manner recited in claim 13 or claim 14..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon- Fri 8:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kavita Padmanabhan/  
Primary Examiner, Art Unit 2161

Monica M Pyo  
Examiner  
Art Unit 2161

12/2010